Resolving Conflict

A CASE STUDY

A discussion paper prepared for the Alberta Conservation Strategy project

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Resolving Conflict

A Case Study

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FOREWORD

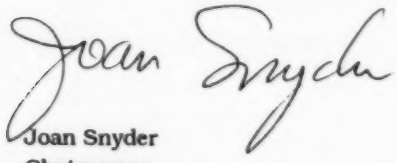
In late 1985, the Public Advisory Committees to the Environment Council of Alberta began working toward a draft conservation strategy for Alberta. The Public Advisory Committees (PACs), comprising representatives of some 120 non-government organizations, are in many ways an ideal organization for developing a strategy that should touch the lives of all Albertans. The PACs bring together many diverse viewpoints, we are non-partisan, and we have members from across the province. Since the early days of the project, we have welcomed non-PAC participants, and have been delighted to receive the contributions of civil servants, industry spokespeople, academics, and the general public.

We have made progress since 1985: the *Prospectus for an Alberta Conservation Strategy* has been published and many meetings and workshops have been held. The principle of a conservation strategy increasingly has been endorsed by Albertans, and Alberta has been recognized across Canada as a leader in conservation strategy development. There have been important related events. For example, in September of 1987, every environment minister in Canada endorsed the final report of the National Task Force on Environment and Economy, which recommended that conservation strategies be in place in every province and territory by 1992. This same report was endorsed by the First Ministers at their November, 1987 meeting.

We will have a conservation strategy for Alberta, we hope by 1990, the Canadian Year of the Environment. Our work continues in the expectation that all those who are interested will have a chance to contribute to the project, through public hearings or some other public participation process.

Since the publication of the *Prospectus*, the PACs have concentrated on preparing sectoral discussion papers. The Conservation Strategy Steering Committee determined early on to produce background papers on relevant sectors, such as agriculture, fish and wildlife, tourism, oil and gas, and others. These discussion papers look at the issues within each sector, but, more importantly, they investigate the interaction of each sector with the others. Their preparation has involved consulting with a wide range of interest groups — a conservation strategy principle in action — which has proven fruitful in developing ideas about the ultimate conservation strategy. These discussion papers will be used as background information for drafting a conservation strategy document and, perhaps, in the future, in public hearings on the draft conservation strategy. This report is one in the series of discussion papers.

Because there are as many opinions on our best future direction as there are Albertans, we welcome comments. The conservation strategy will be only as good as the work that goes into preparing it. Please address any comments on this discussion paper or others in the series to the Environment Council of Alberta at the address given on the page opposite. I would also encourage you to make your opinions known at public hearings or other events as they are held. Let's treat Alberta as if we plan to stay!



Joan Snyder
Chairperson
Conservation Strategy Steering Committee
Public Advisory Committees to the Environment Council of Alberta

ABOUT THIS DISCUSSION PAPER

In attempting to satisfy all resource uses on a sustainable basis, there undoubtedly will be conflicts. A premise of the Alberta Conservation Strategy is that resource users have a sincere interest in finding solutions to existing and impending resource development conflicts. The discussion in this paper is intended to increase public awareness of the potential of alternative conflict resolution techniques to resolve these conflicts. The example used is from the energy industry, but as the paper points out, the principles underlying the successful resolution of the conflict can be applied to achieve win-win results in a broad range of policy and project decisions.

ACKNOWLEDGEMENTS

This paper would not have been possible without the co-operation and assistance of the Public Advisory Committees to the Environment Council of Alberta, especially the Energy and Non-Renewable Resources Sub-Committee. George Stewart, Chairman of the Sub-Committee, devoted a meeting to this case study and an examination of the principles of conflict resolution. The time and effort of all participants is gratefully acknowledged. This papers owes much to their willingness to share their views about events and emotions surrounding the application. In particular, I would like to express my appreciation to:

Vern Millard, Past-Chairman, Energy Resources Conservation Board and Eric Moeller, ERCB staff, Gas Department, who set the stage with a description of the application and discussed the ERCB's role and the factors that made possible the resolution of issues.

Tom D. Hewitt Jr., Vice-President, Hewitt Oil (Alberta) Limited, who discussed the company's relationships with the community and how Hewitt Oil's approach changed from the initial contact with the area residents through to approval for the facility.

Don Thurston, Golden Spike Environmental Protection Society (GSEPS), and Vice-Chairman, East Parkland Liaison Committee, who presented the reactions, concerns, and roles of GSEPS from the initial contact by Hewitt Oil through to the post-hearing discussions that eventually led to a negotiated agreement.

Steve Cherwonick, Parkland Rural Residents Association (PRRA), and Chairman, East Parkland Liaison Committee, who discussed the PRRA's reaction to the application, its participation in the ERCB hearing, and the functions of the East Parkland Liaison Committee.

I would also like to thank the above people for their careful review of this paper. In addition, the members of the Sub-Committee provided their review comments as did Les Cooke of Alberta Forestry, Lands and Wildlife, Bill Diepeveen of Alberta Environment, and Ron Wallace of Dominion Ecological Consulting Ltd. A special thank you is extended to the staff of the Environment Council, who assisted with reviews, typing, and editing.

John Lilley
February 1988

Contents

INTRODUCTION 1

WHAT IS ALTERNATIVE CONFLICT RESOLUTION? 2

- Authoritarian Approaches or Negotiated Agreements? 2
- Conflict Resolution in Alberta 4
- Principles for Alternative Conflict Resolution 5

THE CASE OF THE GOLDEN SPIKE SOUR GAS PROJECT 10

- The Golden Spike Sour Gas Project 10
- Application of the Principles 13

CONFLICT RESOLUTION AND THE ALBERTA CONSERVATION STRATEGY .. 16

- Getting to Negotiation 16
  - Communications Open the Way 16
  - Using Experience and Familiarity to Make Progress 17
  - Providing the Opportunity 18

OVERVIEW 20

REFERENCES 21

One

INTRODUCTION

The reality of multiple use of resources is that the interests of the users will conflict. Values and attitudes are fundamental in resource management, but values and attitudes change, and "facts" often are tinted by interpretation. Because of this human element, resource management issues are particularly prone to generating conflicts, which are often based on the unquantifiable, the subjective, and the emotional.

Disagreement of itself is not destructive. In fact, it is essential to the advancement of ideas and actions. It is the manner in which disagreements are resolved that makes them constructive or destructive. As Fisher and Ury (1983) note, arguing over positions produces unwise agreements. As more attention is paid to developing and supporting one's own position, less attention is devoted to acknowledging the concerns that underlie other positions.

Since no issue remains unchanging while the argument goes on, decisions must be timely. Positions are developed and arguments presented. Then a decision is made, and it is usually one imposed by administrators, politicians, or the judiciary guided by their wisdom, biases, ability, and mandate. The decision is usually to the disadvantage of at least one party, and in turn is argued or reluctantly accepted. Someone wins, but someone loses.

However, mutually beneficial resolution of conflicts is possible: a solution can be produced that is accepted, agreed with, and supported, through the technique of "alternative conflict resolution," an approach that encompasses negotiation and mediation as means of resolving potential conflicts in a non-adversarial manner.

The principles underlying alternative conflict resolution are illustrated in this paper using Hewitt Oil (Alberta) Limited's application to the Alberta Energy Resources Conservation Board (ERCB) for a licence to construct a small but controversial sour gas processing facility southwest of Edmonton. Although the project was initially strongly opposed by the community, subsequent events led to successful negotiations of an agreement between Hewitt Oil and community organizations. Ultimately, the community intervened on behalf of Hewitt Oil at local Development Appeal Board hearings.

The paper then considers alternative conflict resolution in the context of developing and implementing an Alberta Conservation Strategy. One goal of this strategy is to identify areas of interaction and potential conflict among resource users, and to provide opportunities for discussion and resolution of these conflicts.

As the *Prospectus for an Alberta Conservation Strategy* points out:

> *...only through conflict and its resolution in the open forum of reasoned discussion and debate can we achieve the balance and wisdom necessary to sustain the various needs of our pluralistic society* (PAC 1986: 11).

The resolution of conflicts with a win-win result is an important step toward achieving the objectives espoused by the *Prospectus*.

Two

WHAT IS ALTERNATIVE CONFLICT RESOLUTION?

Alternative conflict resolution is a voluntary process through which disputants jointly explore and reconcile their differences to produce a mutually agreed-upon outcome. The dispute is settled when the parties ***themselves*** agree to a workable solution. The term encompasses negotiation and mediation, and similar processes that involve dispute settlement ***by*** the disputants, rather than ***for*** the disputants. (The essential difference between negotiation and mediation is in the role of the "third" party, who takes a passive role in negotiation and a more active role in moving things to settlement in mediation.)

Alternative conflict resolution should not be confused with other participatory techniques, such as multi-party consultation. In that situation, one party retains the authority to make the decision after considering and assessing the range of inputs. While there may be bargaining or informal negotiation within any decision-making process, negotiation, as the term is used in this paper, refers to a structured process designed to achieve consensus and resolve the conflict. The key is that the conflict is resolved by the participants in the process.

Authoritarian Approaches or Negotiated Agreements?

In recent years, the public have become more aware of, and involved in, resource management matters and there has been a rapid democratization of decision making. In matters related to "public goods," such as preservation of heritage resources, protection of environmental quality and quality of life, preservation of species or habitats, and management of public lands, the public, as individuals or as groups, now want a direct influence on decisions that affect them. This is in step with a developing awareness and understanding, by all parties, that those who use or have an interest in resources must recognize the legitimacy of other uses, integrate aspects of economic development and environment conservation, and work together to develop co-operative approaches for dealing with disagreements.

Authoritarian approaches result in decisions being imposed after bureaucratic, political, or judicial review of the information and opinions. Informal negotiation usually is part of these decision-making processes; however, the format offers limited opportunity for compromise. Resource managers strive to make decisions that are in the public's best interests, but the decisions often do not optimize the satisfaction of the parties directly involved. Indeed, in many cases, such optimization may be beyond the mandate of the decision-making body, which may have responsibility in areas dealing with only a portion of the concerns raised. In other cases, the values of individuals or special interest groups may differ from those of society as represented by the political system.

Decision making is necessary in our society, but authoritarian decisions may yield unsatisfactory conclusions, for at least one party. Even if there is no immediate negative reaction, reaching

the next agreement may be made more difficult because of residual bad feelings. As long as the basic concerns remain unresolved, there will be organizations or individuals willing to press their case. They might lobby through the political system. Government hearings and approval processes also might suffer from delays as hearings are postponed to allow time for preparation of intervenor cases, and decisions may be appealed or may await political ratification. If decisions are fought in the courts, or result in additional hearings and deliberations, the time delays and costs continue to mount.

More important, authoritarian processes often do not address the real issues underlying a conflict. Instead, participants emphasize those aspects that give the greatest likelihood of victory for themselves. Depending on the forum, these may be issues that have the highest emotional attachment and public empathy, those that expose legal loopholes, or those that indicate weaknesses in the opponent's case.

A mechanism that produces mutually acceptable agreements would help avoid resentment, challenges, and delays, and offers the desirable "win-win" resolution of conflicts. Negotiation, mediation, and similar tools are solution oriented. They can also be educational tools that pave the way for implementation and for related future decisions. Communication is face-to-face. Participants debate their points of view directly. Consequently, information is shared, a constructive working relationship is established, and successful negotiation may produce better long-term working relationships among the various parties.

A negotiation process may also lead to the early identification and resolution of some problems, clearing the way to concentrate on areas of major concern. Successful conflict resolution also reduces the likelihood of future actions to block a particular project or similar projects. Decisions tend to be more satisfactory and permanent, although procedures will be needed to monitor and encourage compliance with the terms of the negotiated agreement.

However, success is not guaranteed, nor is negotiation always the most appropriate way to make decisions. Negotiation also may be used as a stalling tactic, although this will quickly become evident. Negotiations require information, time, and resources from all parties. However, even a failed negotiation may make subsequent decision-making processes more efficient if trivial or spurious issues can be identified and eliminated. Although negotiated agreements apply only to the dispute in question, and do not set legal precedents, each success brings credibility and structure to alternative conflict resolution as an option.

The importance of processes that consider ***all*** interests in planning and policy making is recognized in the *Report of the National Task Force on Environment and Economy*. That report recommends the establishment of "Round Tables" on environment and economy, which are conceived of as fora in which senior decision makers with significant interest and expertise in environmental or economic issues meet to discuss how economic development and environment protection can be simultaneously accommodated. Recommendations from provincial and territorial Round Tables would go directly to the First Ministers of the respective jurisdictions. This process should work toward consensus and directly influence the highest levels of government, industry, and non-government organizations (NTFEE 1987).

Alternative conflict resolution is not a magical solution to improving all areas of resource management. It is best suited to project-level conflicts about the management of specific areas or specific resources. In most cases, formal mediation or negotiation occurs after public involvement programs fail to find a solution that satisfies those groups with the power to challenge the decision. Further challenges likely will be pursued in the courts or political arenas (McCarthy and Shorett 1984). This view is shared by American Management Systems Inc. (1979),

whose case studies showed that mediation usually is employed after disputes reach an impasse. The above studies also point out that negotiation is not appropriate for policy-level decisions; these decisions are made within the political and bureaucratic systems. It is considered appropriate for the "how to do it" issues, but not the "do we do it?" issues.

Conflict Resolution in Alberta

Of what relevance is alternative conflict resolution to the management of Alberta's renewable and non-renewable resources? Alberta Energy, Alberta Recreation and Parks, Alberta Environment, and Alberta Forestry, Lands and Wildlife all have public consultation programs with some features of alternative conflict resolution, and all are dealing more openly and responsively with conflicting interests of resource users.

Industry, as well, is developing processes for consulting with other interests, and many environmental groups are discussing issues surrounding development proposals and resource management plans rather than immediately condemning them. But, to date, few of these approaches allow parties to participate in making decisions; the decision-making authority remains with the initiating agency or company.

Alberta Environment is using multidisciplinary "task forces" to assist with decisions about some issues. For example, in July, 1987, the Minister established a task force to develop recommendations on groundwater allocation in the Cold Lake-Beaver River basin. Because the public, industry, and government had an excellent history of working together to resolve local issues and concerns, the task force comprises nine people from these three groups. The Department thus is moving toward greater involvement by all interests in its decision making.

The development of regional and sub-regional integrated resource plans, as currently undertaken by the Department of Forestry, Lands and Wildlife, encompasses many features of alternative conflict resolution. The process seeks input and support from representatives of the various resource users. Acceptance of a regional plan means acceptance of a general concept and of the need for a plan for a particular area, recognition of potential conflicts and the desirability of avoiding dispute, and recognition of the interests of various users and their roles in developing sub-regional plans. Beginning, as it does, with the authority of government to develop a sub-regional plan, the process is de facto recognition that the "project" will go ahead: a plan will be prepared. If a user group wants full representation in this plan, it must participate. Where this approach violates the principles of negotiation is in the power of senior bureaucrats or politicians to modify the "negotiated" plan, and in the restrictions on public input to the details of implementation.

In other instances, decisions have been made about, for example, tar sands development, or expansion of agriculture in northwestern Alberta. A policy also exists to direct the development of coal resources. The Eastern Slopes Policy identifies what uses may be considered, and where, in Alberta's Eastern Slopes. With these major decisions as a framework, the operational parameters of the various users could appropriately be negotiated. Some processes are in place to permit participation in the development of project details. With appropriate mechanisms and the encouragement of government departments, negotiation should be possible.

The Alberta Energy Resources Conservation Board has the mandate, under the Energy Resources Conservation Act and related legislation, to regulate the development of most facets of the energy industry in the province. The Board is required to approve or deny the application for a proposed project. However, the legislation also makes specific provision for public involvement and the Board is required to convene a hearing if there are legitimate objections to a proposed development. Each hearing involves substantial costs to the ERCB, the applicant, and often to the intervenor. These costs may include out-of-pock-

et expenses, costs of a solicitor, and costs of various consultants. As well, uncounted hours are devoted to such hearings. Although the ERCB processes are envied by many other provinces, the ERCB has found that its public hearing process is too formal, too adversarial, and often ineffective in resolving basic conflict between parties. The unresolved problems often resurface in response to future applications, or translate into continuing bad relations between the directly affected public and the operator or the ERCB (Millard 1986a). As a result, the Board has experimented with various approaches to resolve public concerns about energy project development.

In 1985, the ERCB reviewed more than 13,000 applications to develop Alberta's energy resources, including about 11,000 applications for permits to drill a well or construct a pipeline. Only 89 of these applications required a public hearing. The ERCB's record of achieving agreements without going to hearings is noteworthy.

Because many of the applications made to the ERCB are routine, there has developed an extensive experience of amicable settlements that guide the expectations of all parties in "negotiated" agreements. Negotiation is accepted as routine in many cases, such as reasonable compensation for use of private land. The Board encourages pre-hearing discussion among proponents and potential intervenors, with the hope that concerns can be resolved satisfactorily without going to hearings.

Many proponents also encourage discussion and public input as a normal part of project planning. The negotiation alternative can save substantial costs compared with the traditional hearing process. Vern Millard, former chairman of the ERCB, estimated that Syncrude's use of negotiation to respond to concerns about a proposed expansion of its mining operations saved the company $200,000 over the cost of going to hearings.

Furthermore, the negotiations led to a more sophisticated examination of the issues and potential solutions than would have been possible through traditional public hearings. The negotiations allowed the parties to participate as equals and produced an agreement developed and supported by each side (Wallace and Slavik 1986).

Principles for Alternative Conflict Resolution

Conflicts may be successfully resolved in many different circumstances, but the following few basic principles make a satisfactory solution much more likely. As the next chapter explains, these principles were part of the successful resolution of differences between the Parkland Rural Residents Association and Hewitt Oil over the Golden Spike Sour Gas Project.

1. The project must be accepted in principle

A "no-go" option is not negotiable. If the no-go option is a viable position, there will be no reason to negotiate. Before negotiation of project details or policy implementation can begin, the project or policy decision must be accepted in principle. If it is not, then it is impossible to negotiate a settlement.

The result is that decisions that require a "yes" or "no" answer are not appropriate for alternative conflict resolution. However, public input in a different form, such as public hearings or consultations, is nevertheless desirable to help bureaucrats and politicians identify whether a "yes" or "no" answer is appropriate and the context within which such an answer would apply.

Of course, any party participating in a negotiation has the option of withdrawing and pursuing other routes to resolve their dispute, or of accepting the project only on the condition that certain non-negotiable concessions are granted.

Once it has been established that the project will go ahead, but the conditions under which it will do so are negotiable, principles for conducting productive negotiations can be considered. Millard (1986a) provides the following suggestions:

2. Have a sincere interest in finding a solution

The consequence of the first principle is the recognition that decisions will be made. If negotiation does not provide the answers, some other mechanism will be invoked. If the parties believe that they are less likely to achieve their aims through the alternative mechanisms, negotiation may then appear to be a more desirable course. But alternatives must exist, not only to encourage serious negotiations, but also in the event that negotiations are unsuccessful.

The prospects for reaching an agreement depend on the perception of each party regarding its chance of obtaining a decisive victory, the urgency of or need for a timely resolution, the readiness of the participants to negotiate, and the political context of the dispute. If the disputants have no compelling reason to end the controversy, any attempt to bring them together will be unsuccessful.

The bottom line is that all parties must have a reason to negotiate. They must see a bleaker future in economic, aesthetic, social, or some other terms, if a settlement is not negotiated, if a result is forced upon them by legislative mandate or by the passage of time.

3. Be willing to discuss the issue and have some regard for the other person's position

One perceived disadvantage of alternative conflict resolution is that all parties must be prepared to compromise. It may appear, especially to those not actively involved in the process, that an interest group's representative gave in and lost. What this view fails to consider is the risk involved in letting others make the decisions: the risk of an uncertain result over which none of the parties has control.

According to Fisher and Ury (1983), negotiation proceeds best when:

- the representatives in the negotiation are separated from the problem.

As much as possible, personalities, stereotypes, and preconceived ideas should be eliminated to make way for an unbiased acceptance of the problems and concerns as stated.

- discussions focus on concerns rather than positions.

Arguing positions leads to further entrenchment and development of opposing positions. Discussion should instead focus on the concerns which underlie the stated positions. What concern is being addressed by the position taken? If that position is unacceptable, are there acceptable alternatives that deal adequately with the party's concern?

- several alternatives are generated before decisions are made.

If a number of alternatives are generated and discussed, the likelihood of a mutually agreeable solution is enhanced as compared with dealing with a single position.

- the result is based on some objective standard.

Often it is helpful to decide on an objective criterion around which to focus negotiations. It is easier to discuss an objective standard than values and goals. For example, negotiating how an ambient standard of 5 ppm will be maintained is easier than agreeing on an operating regime to protect human health.

4. Have a neutral third party available to assist or apply pressure when needed

Often a neutral, trusted third party is called upon to keep discussions constructive and focussed on the problems underlying the dispute. The role of the third party may range from passive (conciliator) to active (mediator), but the primary interest of the intermediary should be on achieving a solution rather than a particular outcome. This

third party could come from government, but often government departments will not be "neutral" in the negotiations. In such cases, it is probably advantageous to have an automatic procedure to initiate negotiations. This eliminates the need for a particular party to "lose face" by asking for assistance in resolving a dispute after negotiations have been underway for some time.

In complicated negotiations that involve several parties, it may be useful for a neutral party to draw up a draft agreement. Discussion can then be focussed on how to change the draft agreement to encompass everyone's desires. Negotiation then shifts from arguing over "my position" versus "your position" to a constructive redrafting and adoption of an "orphan" agreement. This is the role Resource Evaluation and Planning Division (REAP) planners play in the "negotiations" that are part of the development of an integrated resource management plan.

5. Have some leverage

No method of conflict resolution can guarantee success if all of the leverage is on one side. Leverage is related to a group's resources: the strength of its constituency, its knowledge and information base, its financial base, and the expertise of the negotiating team. (These aspects are addressed under principles 6, 7, and 8.)

Fisher and Ury (1983) point out, however, that equality of power (resources) is not only based on size, knowledge, or finances, but, to a large degree, is determined by the best alternative to the negotiated settlement that is available to each party. This, in turn, is influenced by many factors, some of which are not even directly related to the negotiation. Leverage may be altered by a political statement that favors a certain outcome. It may be affected by changes in project economics.

For example, environmental groups in energy development negotiations may gain leverage if energy prices increase and the development becomes more economically attractive to industry. Under a new pricing structure, the project may become more profitable and its proponent more willing to offer concessions. Leverage also changes with changes in public support, which, for example, alter the political attractiveness of pursuing a solution.

Each party should examine its own alternatives, as well as the alternatives available to other parties. The available alternatives also have a profound influence on principles 2 and 3: a party's interest in finding a solution and its willingness to discuss the issues. If the alternatives to negotiation are attractive, there is little need to negotiate. Equally important, if the alternatives available to the other parties appear to be so poor as to be unacceptable, there is no need to rush negotiations; waiting for a better offer may be the best course.

6. Have appropriate representatives at the negotiating table

Participation by appropriate representatives is crucial, because the success of negotiation hinges on the ability of the participating parties to reach an agreement that will be accepted by their constituent organizations. "Appropriate" participants represent groups that carry sufficient weight to influence the decision-making process (McCarthy and Shorett 1984). The participants must have authority to negotiate on behalf of their organizations and should include those government agencies with traditional decision-making powers, because the settlement must be endorsed by them as well as have political support. In addition, there are usually other government agencies whose views and interests should be considered because they may be influential in implementing the agreement. The fewer the agencies involved, the greater the likelihood that the agreement will be fully implemented as negotiated.

Selection of representatives may be easiest for private sector interests, which are likely to be better organized to nominate representatives,

delegate and accept responsibility, and provide and receive feedback on negotiating positions. The major resource sector companies in Alberta have strong industrial associations, which can represent their interests in negotiations affecting the entire sector. However, individual companies often wish to have their specific interests represented in negotiations.

Selection of delegates may be more difficult for government departments and agencies, and public interest organizations. Decision-making authority rests at the top of the bureaucratic hierarchy or in a complex political process, which, depending on the decision, can involve the Minister, Cabinet, or caucus. A department's mandate may cover only specific aspects of a dispute. Thus, delegates from several departments may be required. Negotiation of resource use disputes is relatively new, and present policy and practice may not provide for negotiation options. Indeed, some government officials may view negotiation as an erosion of traditional or legislative authority. Negotiation involving these departments may require extensive revision of established procedures. Other departments are currently developing ways of involving interest groups in decision making and see negotiation as a means of improving resource management.

McCarthy and Shorett (1984) suggest that environmental activists, more than industry representatives, may fear that they will be viewed as selling out their constituency if they agree to negotiate. Resource management decisions often involve separate but incremental and irreversible alterations to the environment. Each decision is independent and seldom is there an opportunity to regain lost ground in subsequent negotiations. These are often considered such serious matters that environmental groups will agree to negotiate only if faced with the prospect of even greater losses from any other alternative. Not surprisingly, the more militant a group, the less likely it will be to agree to negotiate.

Negotiation draws time and resources away from other activities of environmental groups and does not attract the attention that media statements and court cases do. It is extremely difficult for representatives at the negotiations to communicate the flavor and nuances of negotiations to all their constituents and to obtain their ongoing commitment to the process. Nevertheless, American Management Systems (1984) found that most environmental groups in the United States agreed that mediation is more desirable than rigid adversarial procedures, especially for resolving specific local environmental disputes. However, these groups hoped for more examples of successful conflict resolution.

In dealing with broad issues, the selection of appropriate representatives from public interest groups is complicated by the large number of organizations, the varied and often overlapping or conflicting interests, and the weak communications links, even among groups with similar interests. According to one assessment, "multiparty representation often requires mediation between groups that hold basically similar positions" (McCarthy and Shorett 1984: 2).

In many instances, a mediator will need to devote considerable attention to resolving disagreements between environmental groups. In some negotiations, interest groups need to coalesce around specific issues, and environmental groups should be willing to share responsibility for the issue and to agree on representatives to negotiate on their behalf. Under some circumstances, similar comments would apply to conflicting industry interests.

7. Be reasonably informed or have access to the necessary information

Although resource management disputes are primarily over values rather than facts, the importance of scientific information is sometimes overlooked. Early meetings may be devoted to determining information needs and sources, or to agreeing on research methodologies, so that col-

lection of information is specifically directed toward solving problems and facilitating negotiations.

As Millard (1986b) states, the public, including concerned community groups and individuals, want answers to questions about health, safety, and impacts. While research may be able to provide the answers, the information is often either not known to the community group or is presented in a manner that does not clearly answer the questions. Often more research is not needed. It may be primarily a matter of better communicating existing knowledge. The negotiation process may help to identify and satisfy information needs. The end result may be the increased availability of information, or more useful information, concerning the issues in dispute.

8. Have the resources necessary to negotiate

The resources required include financial resources to collect independent information, develop and assess options and solutions, and permit participation at meetings. Funding may come from participants in the process or from a government agency, but it should be allocated so that the parties to the dispute have effective parity in their ability to negotiate. If one of the parties feels that negotiations failed because they lacked the resources to participate effectively, that very fact will become a major topic for disagreement the next time the parties meet.

Three

THE CASE OF THE GOLDEN SPIKE SOUR GAS PROJECT

In May of 1985, Hewitt Oil (Alberta) Limited applied to the Alberta Energy Resources Conservation Board for a licence to construct and operate the Golden Spike Sour Gas Processing Facility, a small sour gas plant, in an area of acreage subdivision southwest of Edmonton. The outcome of Hewitt Oil's application is a good example of successful resolution of an initially highly confrontational situation. The final agreement engendered overall community support for the project and created a plan for future development of gas resources in the area.

The Golden Spike Sour Gas Project

On May 23, 1986, the ERCB approved Hewitt Oil's application to build a sour gas processing plant in the Golden Spike area. Hewitt Oil had been producing gas in the area since 1968 and, until 1984, its gas was processed at Esso's Golden Spike plant. Levels of hydrogen sulphide in the gas produced by Hewitt Oil were about one-quarter of one percent and thus the sulphur had to be removed before the gas could be marketed.

In 1984, Esso had decided to decommission the sour gas processing portion of the plant because of its age. Hewitt Oil was forced to look for other means of sweetening its gas. Several methods of removing the sulphur were investigated, but were found to be unsatisfactory. From Hewitt Oil's point of view, a gas processing facility, although very costly, seemed to be the only solution. However, Hewitt Oil correctly perceived that there would be strong public opposition to any proposal for a gas processing facility that released sulphur emissions, and, thus, proposed to build a pollution-free plant. The search for such a plant led to a sulphur recovery technology called LO-CAT™, which uses a catalyst to convert hydrogen sulphide to elemental sulphur, water, and carbon dioxide. The sulphur, which is produced as a slurry, would be temporarily stored at the plant site, and then removed by truck. No flaring of gas would be required, except under plant upset conditions. For 17 years, Hewitt Oil's gas was processed at the Esso plant and contributed to that plant's emissions. The new process would eliminate Hewitt Oil's contribution to the SO_2 emissions in the Golden Spike area. Hewitt Oil's plant would become the first plant in Alberta producing less than 10 tonnes per day of sulphur to have sulphur recovery.

Hewitt Oil's May, 1985 proposal to the ERCB was brought forward to the community through a public meeting in August of that year and was greeted with anger and resentment by the residents. Citizen response was a united stand against the proposed location of the plant. Opposition was based on two main reasons: (1) concerns related to the potential release of hydrogen sulphide and the presence of any facility proposing to recover, process, and transport sulphur compounds, and (2) general concerns related to the presence of any industrial development in the area.

Hewitt Oil suggested two alternative plant locations, but neither was acceptable to the community. The area had many residential acreages

and the community attitude was "intrusion of such a facility into a residential area must be stopped." At this point, it was doubtful that any location would have been acceptable. Because of this, the ERCB agreed to set a date for a public hearing. The hearing was postponed several times at the request of area residents and with the agreement of Hewitt Oil. Ultimately, the hearing was held in January, 1986.

The Golden Spike Environmental Protection Society (GSEPS) formed to stop the Hewitt Oil application, eventually prepared a submission and intervened at the ERCB hearing on behalf of area residents. The GSEPS's concerns included the health effects of sour gas, the effect of the development on property values, and the lack of strategies to ensure orderly future development of the area's energy resources. Its submission to the hearing concentrated on the technical and environmental aspects of the proposal.

The Parkland Rural Residents Association (PRRA), an existing community organization, was registered as a society in 1972 for the purpose of promoting, developing, and sponsoring activities to encourage rational development in the County of Parkland. The Association had acquired considerable experience through involvement in a number of area developments, including energy developments. In the case of Hewitt Oil's application, PRRA alerted area residents to the proposal and acted as a sounding board for resident reactions.

Although PRRA perceived a general feeling in the community that ERCB approval of the facility was a foregone conclusion, it also decided to intervene at the ERCB hearing. The Association's submission reflected public feeling and reaction related to long-term health, social, and environmental effects, and commented on emission monitoring, the use of groundwater, and the lack of any viable information program. PRRA's submission made three recommendations which, although they outlined the community's concerns, implicitly accepted development of the facility.

The submission recommended that:

1) the technology proposed by Hewitt Oil first be evaluated under climatic conditions similar to those in the area

2) approval of the plant be delayed pending that evaluation

3) the ERCB initiate and maintain a public awareness program regarding all phases of resource development in the area.

While these positions were developing, the ERCB, in October of 1985, contracted with Edmonton's Sage Institute to identify industry and public concerns and perceptions regarding sour gas in general, and the proposed Hewitt Oil plant in particular. The Sage analysis was intended to determine the priority of the issues, assist all participants and the ERCB in dealing with those issues, and make recommendations about the impacts of the proposed plant (Sage Institute 1985). The Sage process also explored alternative suggestions and developed plans that could lead to the successful resolution of the most important issues. A major recommendation of the Sage report was for a liaison committee to serve as a communication interface among citizens, government, and industry in the area.

When the Hewitt Oil application finally was approved, in May of 1986, the ERCB attached three conditions to its approval (ERCB 1986). The first required Hewitt Oil to submit a plan, for ERCB approval, if it wished to process more than 112,700 cubic meters of natural gas per day. Second, Hewitt Oil was to provide 24 hour per day supervision at the plant, for at least the first 90 days, and thereafter until the ERCB had been satisfied that the plant could operate automatically in a safe manner. Third, Hewitt Oil was not to drill any water wells in the area. The ERCB's Decision Report also referred to the Sage Institute's recommendation to establish a liaison committee and suggested that such a committee could best review monitoring information and discuss future resource development and the need

for additional gas plants in the area. This set the stage for the eventual formation of the recommended liaison committee.

Before the ERCB hearing, there was little opportunity for community groups to resolve their differences directly with Hewitt Oil. The community's emotions were running high, and the most acceptable option, in the community's mind, was to stop the proposal. Several attempts to reach a consensus were made prior to the ERCB hearing, but the idea of negotiation was unanimously rejected by the executive of GSEPS. As Don Thurston, speaking on behalf of GSEPS, said, "the difficulty, of course, was that the community would have to concede the construction of the plant."

While the hearing process dealt adequately with the technical and engineering issues of the application, and satisfied many of the community's concerns about health, safety, and the environment, it did not adequately address the social issues raised by GSEPS, or concerns about the impact on property values and about orderly long-term development. GSEPS planned to bring its concerns forward in an intervention at the Municipal Development Appeal Board hearing. Hewitt Oil was aware of the intended intervention and was unsure of the outcome. As well, there was the possibility of political action by the area residents to be considered. Hewitt Oil also wanted to avoid ill will, and maintain good relations with area residents in order to facilitate future development of its reserves.

In June, 1986, after the ERCB's decision to approve the plant licence had been announced, Hewitt Oil representatives contacted GSEPS and PRRA to discuss the remaining concerns of residents. Extensive negotiations followed, including at least 15 meetings between Hewitt Oil and the executives of GSEPS and PRRA. These negotiations eventually led to the signing of two important documents: the Voluntary Energy Development Unitization Plan (VEDUP) and a letter in which Hewitt Oil agreed to undertake additional measures to satisfy the groups' concerns about the safety of the plant. Subsequently, GSEPS intervened on Hewitt Oil's behalf at the Development Appeal Board hearing with the stipulation that the Board agree to include the VEDUP memorandum and the letter from Hewitt Oil as part of Hewitt Oil's development approval. On July 2, 1986, the Municipal Planning Council of Parkland County granted Hewitt Oil a development permit.

The VEDUP was a precedent-setting memorandum of understanding between Hewitt Oil and PRRA. It recognizes the community's desire to have no more gas processing plants in the area. The agreement sets out Hewitt Oil's willingness to serve as a central processor of natural gas produced within a defined radius of the proposed sour gas processing plant. Future proposals to process natural gas will first have to consider sending this gas to Hewitt Oil's plant. If it becomes necessary for Hewitt Oil to expand its plant in order to accommodate other producers' gas, thereby reducing the proliferation of gas plants in the area, then Hewitt Oil can expect the support of PRRA before making an application to the ERCB. Hewitt Oil, however, can refuse to process natural gas that does not meet certain specifications respecting the financial stability of the producer, return on investment, and compatibility of the gas with the plant's processes and capacity.

The ERCB added a signed letter stating its awareness of the VEDUP memorandum, and stating its intention to ensure that any future applicant for gas processing facilities in the area is made aware of the agreement. The ERCB further committed itself to urging meetings between the applicant, area citizens, and the Municipal Planning Commission, prior to the applicant making a submission to the ERCB.

The ERCB also stated that any such applicant will be made aware of the regulations that require applications to include a discussion of the feasibility of expanding existing gas processing plants to process the additional gas, and that any application will fully address the need for its facility in light of these regulations. The ERCB

also agreed to provide staff to assist local residents and the operator in resolving problems that might arise during the operation of Hewitt Oil's plant. The VEDUP agreement was attached by Parkland County to its development approval as a good faith undertaking.

The second important document signed by Hewitt Oil and the PRRA outlined a number of undertakings agreed to by Hewitt Oil. These included commitments related to baseline air and soils quality monitoring, provision of monitoring data to community groups, plant security, chemical containment, development of an emergency response plan, landscaping, use of access roads, trucking of water supplies, signage, plant operations, and requests to local contractors to submit bids for any contracts arising from plant construction or operation. As Hewitt Oil stated,

> *It is hoped that, eventually, some of these hard-fought terms will become a precedent for other Alberta community/oil company conflict resolutions. Clearly, as a result of these voluntary undertakings, both the community and the oil company are better off* (Hewitt Oil 1986).

Another result of discussions between Hewitt Oil and local residents was the creation of a local liaison committee. The East Parkland Liaison Committee was organized in August, 1986, consisting of representatives from several resource industries operating in the area, government (provincial and local), GSEPS, and PRRA. The liaison committee provides a forum for the exchange of information and improves communication among all parties. More important, the interests and responsibilities of resource companies and government agencies are becoming better understood, and the people involved are being seen in a more co-operative light. As well, the resource companies appear to be making a genuine effort to understand community concerns. It is hoped that this committee, working in the atmosphere of mutual trust created among the groups, will be able to deal with any future resource-related issues in a "constructive manner to the benefit of all," according to Steve Cherwonick, chairman of the committee.

Application of the Principles

With this brief background, the principles of conflict resolution can now be discussed in the context of this specific example.

1. The project must be accepted in principle

Prior to the ERCB decision to grant a licence to Hewitt Oil, emotions in the community were running high, and the groups still sought the "no-go" option. The ERCB decision undoubtedly changed the community's perception of its options. It seemed less likely that the County would refuse a local development permit. Also, the ERCB decision and the commitments made by, or required of, Hewitt Oil addressed many of the community's concerns and slowed the drive to stop the proposal. The project was grudgingly accepted, and negotiating additional undertakings and conditions became an acceptable alternative.

2. Have a sincere interest in finding a solution

Recognition, in the ERCB decision, of the possibility of expanding the Hewitt plant to handle additional gas undoubtedly led community leaders to consider trying for an agreement for managing future development. The community stood to gain substantial additional benefits through negotiation, so long as there was a possibility that the county would refuse to issue the needed development permits.

As important, Hewitt Oil had gas reserves it wanted to produce. This would mean long-term exposure in the community and a good working relationship with the community would greatly improve the company's planning predictability, reduce future conflicts, and possibly avoid future hearings. Hewitt Oil also hoped to set a precedent

in the reduction of sour gas emissions produced by small gas processing plants. This would open up markets for the LO-CAT™ technology which, by that time, was under licence by Hewitt Oil.

3. Be willing to discuss the issues and have some regard for the other person's position

It is clear that all parties were willing to compromise. The alternatives — more hearings and further disputes — did not seem desirable. Personalities certainly were important in permitting negotiations, and undoubtedly the face-to-face discussions developed through the Sage Institute meetings facilitated later negotiations. The Sage Institute process brought parties together to address a non-controversial process in a non-threatening situation. This clarified issues that eventually were addressed in negotiations and allowed persons to develop relationships, understanding, and trust. It was helpful that the main players, including the citizen representatives, were experienced in dealing with energy development, knew the potential of negotiations, and had had the experience of unsatisfactory authoritative decisions. The ERCB decision report had also provided both an expectation of and a reason for negotiating — the possibility of centralizing gas processing at the Hewitt Oil plant.

4. Have a neutral third party available to apply pressure when needed

Although there was no official negotiator, staff of the ERCB and Alberta Environment played significant roles during the Sage Institute meetings, facilitating discussions that led to the VEDUP memorandum, and encouraging the formation of the East Parkland Liaison Committee. Neither government agency participated in the actual negotiations, but both had a great deal of interest in the outcome because of their roles in regulating and monitoring the energy industry. Additionally, they would have to implement parts of the negotiated agreements. Although both were "players," at the same time they were seen as "neutral" facilitators. This perception reflects favorably on the nature of the people representing the government agencies and on the trust that had developed among the parties. In other circumstances, these roles could be seen to conflict because of the agencies' influence and responsibilities for the final project. Under these circumstances, an independent facilitator might be needed.

5. Have Some Leverage

Hewitt Oil received ERCB approval for its project. However, final approval was not 100 percent certain at this point. The community had several options to pursue. Hewitt Oil also was very interested in getting the community to accept its activities. If Hewitt Oil could offer the community a plan that avoided proliferation of gas plants, then it offered an opportunity to avoid future major conflicts. The community groups had leverage through their ability to intervene at the impending Municipal Development Appeal Board hearing or to pursue political lobbying. As well, the community knew that it would be in Hewitt Oil's interests to develop effective community relationships in order to smooth the way for its future projects. But a citizen win at the Development Appeal Board level was not a certainty and the community had to recognize the support that Hewitt Oil had gained through the ERCB decision. The community had fought at least seven previous energy development proposals and now was being given the chance to develop an agreement that would minimize piecemeal development and further proliferation of facilities.

6. Have appropriate representatives at the negotiating table

Because the project and its impacts are local, it was relatively easy to identify community concerns and the appropriate individuals and

groups. Participation in the ERCB hearing had consolidated these groups and their positions, and had clearly indicated appropriate community spokespersons. Representatives of the citizen groups could be held accountable and could communicate effectively with the groups' members, many of whom were friends and close neighbors. Because of the relatively small size of Hewitt Oil, communication within the company was easy. As vice-president, Tom Hewitt, Jr. could speak on behalf of the company and accurately represent its negotiating position. Nevertheless, even in such a localized project there were dissenting opinions, and some individuals who were not satisfied with the negotiation process intervened when the Development Appeal Board hearing was held.

7. Be reasonably informed or have access to the necessary information

The ERCB was instrumental in levelling out the differences in the resources of the parties. The ERCB supported the Sage Institute process and thus greatly assisted all parties in developing and expressing their concerns. Likewise, Hewitt Oil was very willing to share its ideas and information. Local residents benefited from past experience with energy developments, and from the expertise available among local residents. Nevertheless, concerns were voiced about the ability of the ERCB, or any one else involved in the ERCB hearings, to provide information that adequately addressed the community's concerns. The VEDUP agreement dealt with this issue by specifying increased monitoring, with the resulting information to be sent directly to the community.

8. Have the resources necessary to negotiate

The ERCB funded the Sage Institute study, and Hewitt Oil ultimately provided intervenor funding for the ERCB hearing. This support allowed community groups to identify, assign priorities to, and consolidate concerns, and to consider, in detail, technical issues related to the project. While no funding was available specifically for the negotiations, the actual dollar cost of these meetings was minimal for the local groups, and thus the community interests could be represented on an equal footing with industrial interests.

Four

CONFLICT RESOLUTION AND THE ALBERTA CONSERVATION STRATEGY

The amount, scope, and complexity of environmental legislation and its accompanying permitting processes have increased over the past one and a half decades. As well, government and industry attitudes have changed. These changes have increased the opportunities for public participation in resource management decisions. During the same period, Alberta's economy grew rapidly. Economic growth was accompanied by increases in population, recreational activities and appreciation of the natural environment, along with increasing concerns about the environmental impacts of developments.

These factors contribute to the heightened probability that conflicts will arise and development proposals will be challenged. All parties — public interest groups, private enterprise, and government — spend time, money, and personal resources debating proposals and arguing decisions. Yet many decisions are not supported by the constituents most directly affected.

A premise of the Alberta Conservation Strategy is that resource users have a sincere interest in finding solutions to existing and impending resource development conflicts. All users seem to be increasingly aware of the growing pressures on resources and the need to harmonize developments, particularly with respect to long-term environmental effects. Efforts such as the World Commission on Environment and Development (Brundtland Commission) and the Canadian Council of Resource and Environment Ministers' National Task Force on Environment and Economy have reinforced this awareness: development and conservation are compatible, in fact, are inseparable. Sustainable development depends on maintenance of the environment.

In this more co-operative climate, negotiation may help to produce "win-win" solutions in resource management decisions. Yet it is apparent that the procedures, mechanisms, and will to succeed that are essential to resolve conflicts through negotiation are not yet in place.

Getting to Negotiation

It is easy to identify the disagreements among resource users. It is much more difficult to resolve differences before they reach the stage of conflict. The Hewitt Oil case study, as well as theory on conflict resolution, clearly show that negotiation is usually only invoked when alternatives become less satisfactory.

How, then, can we develop an interest in negotiation before all other avenues have been tried and exhausted? The keys seem to be experience and familiarity, communication, and opportunity.

Communications Open the Way

Can the desires of all users of a resource be recognized and accepted as legitimate? Do forest managers accept that old forests are necessary to support certain animals? Do environmentalists recognize that cleared areas may benefit wildlife populations? Do agriculturalists accept the importance of sloughs to the maintenance of duck

populations? Do recreationists recognize the needs of farmers? Do cross-country skiers recognize the wishes of all-terrain vehicle operators to use public lands? Can we live together in harmony and use our resources without seriously impacting our environment? Until such basic questions can be answered with a "yes," we cannot even begin to think about negotiation.

With explicit recognition of the rights of other users comes an increased probability of successfully resolving conflicts. If parties in conflict can at least discover that they share some broad societal goals, it may be possible to begin to find a way out of the impasse.

However, settlements of regional or provincial resource use conflicts will have to be negotiated within a clear policy framework that is strongly supported by all interest groups. Without such support, the various interests may view the no-go option as the best option and refuse to negotiate. If all affected parties participate in the development, implementation, and continuing evolution of a Conservation Strategy for Alberta, just such a policy framework — integrated, affordable, and strongly supported — should result.

If efforts to communicate do not seem to be effective, interest groups may use other forms of leverage to impress their points of view. An important consideration is the extent of the government's commitment to support negotiated agreements. If the appropriate government agency is not committed to the process, then leverage may be through the ability to lobby government officials or political decision makers. Effective leverage then may depend more on economic arguments, political influence, or public pressure, than on a desire for a mutually agreeable solution. A broadly supported conservation strategy would reduce the need to use such leveraging tactics by providing opportunities to focus discussion on facts and underlying issues.

As the sixth principle states, successful negotiation hinges on successful communciation, and successful communication cannot take place without the appropriate representatives. Selecting the appropriate interests, and their representatives, will be a difficult task in broad resource management disputes. Often, broad, unemotional issues will not attract the attention and effort they deserve from affected interest groups. More controversial issues may attract so much interest that it becomes difficult to get interest groups to select appropriate representatives.

Developing information that will be accepted by all parties may be difficult as few sources are trusted by all interests. The negotiation process may be used to identify information needs and sources, or to develop a satisfactory information base.

Developing the information base, selecting representatives, and conducting the negotiation demand substantial resources and commitment from all parties. Industrial interests and government interests would seem to have little difficulty in supporting their participation in negotiations. But comparable support should be made available to special interest groups, if their participation is expected to attain the same quality as other interests.

Using Experience and Familiarity to Make Progress

As experience with negotiations develops and as mechanisms are put in place to allow discussions in a non-confrontational atmosphere, willingness to use alternative conflict resolution approaches should increase. If the Hewitt Oil project were to be replayed, it seems likely that the parties would be willing to attempt a negotiated settlement prior to entering the hearing process. Considerable resources were invested in contesting and supporting the proposal at the ERCB hearing. Tom Hewitt, Jr. estimated that Hewitt Oil's costs of getting the plant operating could have been reduced by one-third if the relationship with the community had been handled better from the very beginning.

For broad-based resource management issues, time and effort will have to be devoted to developing processes within the bureaucracy for

the articulation of government positions and selection of government representatives. For public interest groups, improved co-operation, co-ordination, and the formation of coalitions may be essential to develop the communications and trust that are fundamental to the selection and authorization of representatives. In the industrial sectors, there usually are strong organizations with structures suitable for selecting spokespersons. Similar organizations will eventually be needed to speak for other interests.

Advantages exist for government agencies in negotiated agreements. According to analysis of one American example (negotiations among the fishing and oil industries and government agencies re coastal California resources) negotiations actually can enhance scientific involvement, expedite resource management, and improve existing administrative, political, and judicial processes (Cormick and Knaster 1986). The parties involved were able to use the best possible information and take advantage of the best available expertise to resolve their conflicts. In effect, the two industries gained control over their operating environments by sharing control with each other.

Providing the Opportunity

One goal of the Alberta Conservation Strategy is to increase the opportunities for amicably and successfully resolving conflicts. If this goal is to be met, a mechanism or mechanisms for developing agreement on resource management issues will be required. Agreement will be more likely if affected groups actively participate in policy decisions. Without the groups' active participation from the beginning, it is unlikely that the policies will obtain the acceptance that is a prerequisite to negotiation of project details or policy implementation. Present initiatives by government toward greater use of multipartite consultation is an important step in gaining that acceptance.

Government has a dual role in attempting to achieve sustainable development of both publicly ***and*** privately owned resources, and policies and programs must recognize all potential uses under two very different management regimes. Management of resources on privately owned land often will rely on the land owner's decisions within the context of municipal land use and development bylaws. Governments need to intervene only on occasion to solve specific problems or where impacts affect a larger area.

But often the land owner has little desire to negotiate unless offered a direct financial incentive. The result usually is a two-party negotiation that involves purchase of the property or the granting of financial incentives in exchange for certain privileges. It will likely be extremely difficult to get land owners' full participation in negotiations concerning their land and its role in large-scale resource management issues. Negotiation seems most likely to occur between specific interest groups and individual land owners. Policy guidelines and government programs and regulations at both the provincial and municipal level will be important in influencing the outcome and incremental effects of these negotiations.

Different planning processes are needed to respond to the interests of users of public lands and resources. On these lands and for these resources, there is implicit recognition that all users have an interest, although usually it has not been decided precisely what that interest is. Hence, when rights to a specific use are allocated, for example, in a forest management agreement, designation of a provincial park, or damming of a river for irrigation or electrical generation, other users feel that their "right" to use the resource has been infringed upon. For many users, the project is not acceptable in principle and the no-go option represents the best available alternative. "Advisory committees" have been established in several areas in the province, but few, if any, have been designed for the purpose of facilitating negotiation per se. The use of negotiation will require suitable structures, structures which include government participation.

In the Hewitt Oil case in Parkland county, no formal mechanism existed for communicating

with the public, and no government body had a clear mandate to encourage or financially support such negotiations. The ERCB is to be commended for its efforts, because the outcome owes much to the ERCB's willingness to go beyond its normal procedures in looking at alternative ways of facilitating agreements among parties with opposing views. The availability of the East Parkland Liaison Committee as a forum in which to discuss proposed developments may avoid future conflicts over sour gas development in Parkland County.

Five

OVERVIEW

Examination of the events surrounding Hewitt Oil's application for a sour gas processing plant provides insight into negotiating conflicts. Translated into the context of developing a conservation strategy for Alberta, application of the principles reveals weaknesses in our present system for incorporating negotiation into resource management plans. Although most parties express support for the concept and a willingness to discuss issues and recognize the interests of other resource users, this is a far cry from a commitment to the outcome of a negotiated settlement. But it is a beginning.

The Alberta Conservation Strategy seeks a process whereby the growing recognition of the interdependence of economic and environmental interests can be translated into a mutual respect for all interests. If negotiation is to become a means of resolving disputes in Alberta, mechanisms must evolve for recognizing the legitimacy of negotiation and encouraging its use. Clear policy direction must be forthcoming to provide the framework within which negotiations can take place. At present, government positions or policies often are not clearly articulated. The development of a Conservation Strategy will undoubtedly bring to light a number of critical policy needs, but examples might include policies concerning: protection of representative habitat types, drainage programs on agricultural lands, conversion of grazing leases to private ownership, or protection of timber resources.

With a policy framework in place, the details of its implementation could be negotiated. For example, if the policy direction is to convert grazing leases to private ownership, negotiations could be used to develop an agreement on criteria determining whether or not particular leases should be converted. If a new forest management area is to be granted, all interested parties could negotiate a plan to permit timber harvesting while protecting or enhancing other interests in the forest resource, such as recreation, fish and wildlife, or ranching. But what interests would be represented? Who would decide and who would select the representatives? Would government representatives participate as equals?

The process being used to develop the Alberta Conservation Strategy is opening some of the gates along the path toward non-confrontational resolution of resource management conflicts. It is developing pathways for exchanging ideas and information, and facilitating the personal contacts that are a prerequisite to the development of trust. Industry, environmental interests, and community groups are beginning to recognize the possibilities offered by negotiation.

The Hewitt Oil case study illustrates the important role of government agencies, such as the ERCB and Alberta Environment, in facilitating negotiation and validating the negotiated agreement. More examples of successful alternative conflict resolutions are needed before it becomes a fully accepted option for resolving resource management disputes. The continued use of these techniques by the ERCB will undoubtedly provide more success stories. The development and implementation of the Alberta Conservation Strategy perhaps will result in negotiation becoming a routinely considered option in the resolution of resource management conflicts.

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